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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,215	03/27/2001	Scott A. Waldman	08321-0166 US	2195

23973 7590 11/09/2004
DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

SPIEGLER, ALEXANDER H

ART UNIT PAPER NUMBER

1637

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20041108

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

DETAILED ACTION

The reply filed on July 7, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Effective July 30, 2003, 37 CFR 1.121(c)(1) through (c)(5) have been revised to require a total rewriting of a claim each time the claim is amended, including markings to show the changes being made relative to the immediate prior version of the claim except when the claim is being canceled. Section 1.121(c) also requires submitting a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, and the *status of each and every claim in every amendment document that includes an amendment to the claims. The status of each claim included in the claim listing must be described by one of the following seven defined identifiers in parentheses after the claim number:*

(Original): Claim filed with the application

(Currently amended): Claim being amended in the current amendment document.

(Canceled): Claim deleted from the application.

(Withdrawn): Claim still in the application, but in a non-elected status.

(Previously presented): Claim added or amended in an earlier amendment document.

(New): Claim being added in the current amendment document.

(Not entered): Claim presented in a previous amendment document but which has either not been entered or the status of entry is unknown to applicant when a subsequent amendment to the claims is filed.

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The Amendment received on July 7, 2004 fails to identify claim 4 as “Currently Amended,” resulting in the present Notice of Non-responsive Amendment. See 37 CFR 1.111 and 37 CFR 1.121.

In Applicants’ amendment submitted on November 10, 2003, Applicants’ canceled “carcinoembryonic antigen” from claims 4 and 13. However, in Applicants’ amendment submitted on July 7, 2004 (the subsequent amendment of the November 10, 2003 amendment), the recitation of “carcinoembryonic antigen” appears in claim 4, however, Claim 4 is not identified as “Currently Amended.” Accordingly, because an amendment (i.e., addition of “carcinoembryonic antigen”) occurs in claim 4, and claim 4 is not identified by the proper claim identifier (“Currently Amended”), Applicants’ amendment of July 7, 2004 is improper. See e.g., 37 CFR 1.121.

Applicants are referred to the Federal Register Vol. 68, No. 125 available at www.uspto.gov/main/newsandnotices. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander H. Spiegler whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday through Friday, 7:00 AM to 3:30 PM.

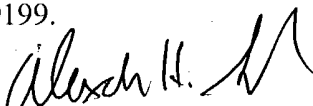
If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gary Benzion can be reached at (571) 272-0782.

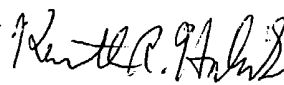
Papers related to this application may be faxed to Group 1637 via the PTO Fax Center using the fax number (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.


Alexander H. Spiegler
November 8, 2004


KENNETH R. HORLICK, PH.D
PRIMARY EXAMINER
11/8/04